

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL WEINIK, D.O.,

Plaintiff,

v.

TEMPLE UNIVERSITY OF THE
COMMONWEALTH SYSTEM OF
HIGHER EDUCATION

and

TEMPLE UNIVERSITY'S LEWIS KATZ
SCHOOL OF MEDICINE

and

TEMPLE UNIVERSITY HOSPITAL

and

SHIVANI DUA

and

PHILLIP ACEVEDO,

Defendants.

CASE NO. _____

**JOINT NOTICE OF REMOVAL OF DEFENDANTS, TEMPLE UNIVERSITY OF THE
COMMONWEALTH SYSTEM OF HIGHER EDUCATION, TEMPLE UNIVERSITY'S
LEWIS KATZ SCHOOL OF MEDICINE, TEMPLE UNIVERSITY HOSPITAL,
DR. PHILLIP ACEVEDO, AND DR. SHIVANI DUA**

**To the United States District Court
for the Eastern District of Pennsylvania:**

Defendants Temple University of the Commonwealth System of Higher Education, Temple University's Lewis Katz School of Medicine, Temple University Hospital, and Phillip Acevedo ("Dr. Acevedo") (collectively, the "Temple Defendants"), and Defendant Shivani Dua ("Dr. Dua"), by and through their respective undersigned counsel, hereby file this Notice of Removal, removing the above-captioned action from the Court of Common Pleas of Philadelphia County, in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania.

The grounds for the removal of this action are as follows:

1. The plaintiff, Michael Weinik, D.O. ("Plaintiff"), filed a Complaint on or about June 28, 2019, docketed as June Term, 2019, No. 007522 (the "State Court Action"), against the Temple Defendants. (A true and correct copy of the Complaint is attached hereto as Exhibit 1.)

2. Plaintiff emailed a copy of the Complaint to in-house counsel for the Temple Defendants on July 2, 2019. Formal service has not yet been effectuated upon the Temple Defendants. (A true and correct copy of the email from Plaintiff's counsel is attached as Exhibit 2.)

3. Dr. Dua received notice of the Complaint on July 18, 2019.

4. In the Complaint, Plaintiff asserted the following causes of action:

Count I Violation of Due Process of Law

(Procedural Due Process under the Fourteenth Amendment of the U.S. Constitution, 42 U.S.C. § 1983 against Temple Defendants)

Count II Breach of Contract

Count III Libel

Count IV Slander

Count V Injurious Falsehood.

(Exhibit 1.)

5. The Complaint, on its face, asserts federal civil rights claims that fall within the original jurisdiction of the Court pursuant to 28 U.S.C. § 1331.

6. Further, pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over the state law claims in Counts II through V of the Complaint.

7. Accordingly, this action is removable in accordance with 28 U.S.C. § 1441(a).

8. This removal notice is timely as to the Temple Defendants, as it is being filed within 30 days of the receipt of the Complaint by the Temple Defendants setting forth the claims for relief upon which the underlying State Court Action is based. 28 U.S.C. § 1446(b).

9. This removal notice is timely as to Dr. Dua, as it is being filed within 30 days of the receipt of the Complaint by the Temple Defendants setting forth the claims for relief upon which the underlying State Court Action is based. 28 U.S.C. § 1446(b).

10. Copies of all process which has been received by the Temple Defendants are filed herewith and attached hereto as Exhibits 1 and 2.

11. A copy of the Praecipe to Enter Notice of Removal that will be filed in the State Court Action promptly after filing this Notice of Removal is attached as Exhibit 3.

12. All Defendants in this action therefore jointly request removal.

WHEREFORE, notice is given that the above-captioned action is removed from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

TUCKER LAW GROUP, LLC

Dated: August 1, 2019

/s/ Leslie M. Greenspan
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Attorneys for Defendant Shivani Dua

CERTIFICATE OF SERVICE

I, Leslie M. Greenspan, Esquire, do hereby certify that I caused to be served a true and correct copy of Defendants' Joint Notice of Removal to the following via electronic mail and U.S. Mail:

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TUCKER LAW GROUP, LLC

Dated: August 1, 2019

/s/ Leslie M. Greenspan
Leslie M. Greenspan, Esquire